

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**WILLIE C. ALEXANDER and
BELINDA N. PITMAN,**

Plaintiffs,

v.

CERTEGY CHECK SERVICES, INC.,

Defendant.

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Case No.: 2:05-cv-0449-T-M

JOINT MOTION FOR STAY

Plaintiffs Willie C. Alexander and Belinda N. Pitman and defendant Certegy Check Services, Inc. (“Certegy”) jointly move the Court to stay all proceedings in this action for ninety days in order to permit the parties to continue informal discovery in connection with early settlement negotiations. As grounds for this motion, the parties would show the Court as follows.

1. This action was filed on May 16, 2005. In their complaint, plaintiffs assert claims for violation of the Fair Credit Reporting Act. Plaintiffs seek to represent a class of persons who, they allege, requested but failed to receive copies of their respective consumer reports from Certegy. On July 20, 2005, the Court granted an extension of fourteen days for deadlines related to the filing of initial motions to dismiss in order to allow the parties time to consider early settlement negotiations. The Court had previously indicated an intention to address class certification issues before entering a full scheduling order governing litigation through trial.

2. On July 21, 2005, counsel for the parties met at the offices of plaintiff's Birmingham counsel, David Donaldson. Most of the discussion focused on the feasibility of engaging in limited informal discovery before embarking on expensive motion practice and formal discovery related to the class claims. The purpose of this informal discovery would be to provide plaintiffs' counsel with sufficient information to permit them to make a good faith determination as to whether the named plaintiffs' claims arose from inadvertent, anecdotal events or whether there is any basis for their allegation that Certegy has a practice of denying consumer reports to requesting parties. Counsel for both parties believe that such discovery would enable the parties to ascertain whether there is any basis for an early settlement on either an individual or class basis.

3. The requested stay would not cause undue delay, as the information and documents expected to be exchanged in the course of informal discovery are expected to coincide with information otherwise due to be exchanged in the form of initial disclosures, as well as the documents that would normally be the subject of initial Rule 34 requests. In addition, Certegy has offered to make pertinent Certegy personnel available for interview by plaintiffs' counsel during this informal discovery period.

4. Undersigned counsel believe that the proposed stay will serve a valuable purpose and will promote the goal of judicial efficiency without causing undue delay in this action.

WHEREFORE, plaintiffs Alexander and Pitman and defendant Certegy Check Cashing Services, Inc., respectively move the Court to stay all proceedings in this action for ninety days to permit the parties to pursue informal discovery and settlement negotiations.

Respectfully submitted

/s/ David Donaldson
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